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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,637	11/08/2001	Travis J. Parry	10008075-1	1866

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

WINDER, PATRICE L

ART UNIT	PAPER NUMBER
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2145

DATE MAILED: 07/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/006,637	Applicant(s) PARRY, TRAVIS J.	
	Examiner Patrice Winder	Art Unit 2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2005.
 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
 4a) Of the above claim(s) 16-20 is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-15 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6-27-05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claim 7 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 23 of U.S. Patent No. 6,666,594 B2.

3. Claim 7 of the instant application is anticipated by patent '594 claim 23 in that claim 23 of the patent '594 contains all the limitations of claim 7 of the instant application. Claim 7 of the instant application therefore is not patently distinct from the earlier patent claim and as such is unpatentable for obvious-type double patenting. The following explains the relationship between Claim 7 of the instant application and claim 23 of patent '594:

Claim 7 omits requesting additional error information; and

Claim 7 designates a specific error type, i.e. transmittal errors. Because transmittal errors are a specific type of error, transmittal errors are within the scope of the "errors" of claim 23.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Bernklau-Halvor, US 6,782,495 B2 (referred to as Bernklau-Halvor).

6. Regarding claim 1, Bernklau-Halvor taught a system for garnering information on printer errors (abstract), comprising:

a printer incorporating a web server, said web server linked to a network (column 6, lines 16-28), said printer including:

an error detector for detecting error in printing functions (column 4, lines 45-55; column 6, lines 34-35);

at least one receiving computer in communication with said network, said at least one receiving computer having a memory thereon (column 11, lines 21-29); and

at least one online error database stored within the memory of said at least one receiving computer, said at least one online error database capable of receiving an error message generated by printer and conveyed over said network (column 15, lines 27-34).

7. Regarding dependent claim 2, Bernklau-Halvor taught the method further comprising at least one workstation in communication with the said network, said one workstation capable of originating a print job which may be conveyed to said printer over said network (column 4, lines 31-32; column 5, lines 22-25).

8. Regarding dependent claim 3, Bernklau-Halvor taught the method further comprising a plurality of printers (column 4, lines 10-19), each of said printers incorporating a web server (column 6, lines 16-23).

9. Regarding dependent claim 4, Bernklau-Halvor taught said online error database is capable of receiving an error message generated by any of said plurality of printers (column 15, lines 27-31).

10. Regarding dependent claim 5, Bernklau-Halvor taught said network comprises the Internet (column 4, lines 10-19).

11. Regarding dependent claim 6, Bernklau-Halvor taught said network is comprises a local area network (column 4, lines 10-19).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 7-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bernklau-Halvor in view of Tanaka et al., USPN 6,519,048 B1 (hereafter referred to as Tanaka).

14. Regarding claim 7, Bernklau-Halvor taught a method of collecting information on printer errors over a network (abstract), comprising:

providing a printer incorporating a web server, said printer comprising a error detector for detecting errors in printing functions (column 4, lines 45-55; column 6, lines 16-23);

attaching said printer to a network, such that said web server is linked to said network (column 6, lines 16-23);

providing at least one receiving computer in communication with said network, said at least one receiving computer including at least one online error database stored within a memory therein, said at least one online error database capable of receiving an error message generated by said printer and conveyed over said network (column 11, lines 21-29; column 15, lines 27-34);

conveying a print job over said network to said printer; receiving said print job at said printer (column 4, lines 31-32; column 5, lines 22-28);

examining said print job for errors with error detector; detecting errors in said print jobs which contain errors (column 4, lines 45-55);

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conveying said error message over said network with said web server (column 6, lines 16-30); receiving said error message into said at least one online error database by said receiving computer (column 15, lines 27-34). Bernklau-Havlor does not specifically teach the errors are transmittal errors. However, Tanaka taught the errors are transmittal errors (column 6, lines 15-21; column 10, lines 3-13, 24-31). It would have been obvious to one of ordinary skill in the art at the time the invention was made that incorporating Tanaka's transmittal errors in Bernklau-Havlor's system for conveying error messages would have improved system robustness. The motivation would have been to provide more comprehensive status messages.

15. Regarding dependent claim 8, Bernklau-Havlor taught the method further comprising:

processing said print job with said printer (column 4, lines 31-40);

detecting process where said processing results in said process errors;

generating a process error message containing details of said process errors (column 4, lines 45-55; column 6, lines 34-35, "Engine errors" or "postscript errors"; columns 9-10);

conveying said process error message over said network with said web server (column 6, lines 16-30); receiving said process error message into said at least one online error database by said receiving computer (column 15, lines 27-34).

16. Regarding dependent claim 9, Bernklau-Havlor taught the method further comprising:

printing a document specified in said print job with said printer (column 4, lines 31-40);

detecting output errors where said printing results in said output errors;
generating an output error message containing details of said output errors (column 4, lines 45-55; column 6, lines 34-35, "Jam errors"; columns 9-10);

conveying said output error message over said network with said web server (column 6, lines 16-30); receiving said output error message into said at least one online error database by said receiving computer (column 15, lines 27-34).

17. Regarding dependent claim 10, Tanaka taught the method further comprising attaching a workstation in communication with the printer, such that said print job originates on said workstation and is conveyed to said printer (column 3, line 65 – column 4, line 10).

18. Regarding dependent claim 11, Bernklau-Halvor taught said print job is conveyed to said printer in PCL format (Job Language includes "PCL", columns 7-8).

19. Regarding dependent claim 12, Tanaka taught said processing includes converting said print job into RIP format and storing said print job in a job retention memory located in said printer (column 10, lines 9-15).

20. Regarding dependent claim 13, Bernklau-Halvor taught said printing includes controlling mechanical printing components of said printer to produce said document (column 4, lines 33-40).

21. Regarding dependent claim 14, Bernklau-Halvor taught said error message is generated in HTML format (column 6, lines 16-28).

22. Regarding dependent claim 15, Bernklau-Halvor taught said network comprises the Internet (column 4, lines 15-20).

Conclusion

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Mima et al., USPAP 2002/0101604 A1: taught a plurality of printer system attached to a plurality of printer monitors, each printer monitor detects printer malfunctions;

b. Thieret et al., USPN 5,923,834: taught a local server connected to a single machine to perform monitoring, analysis, diagnostic, and communication functions;

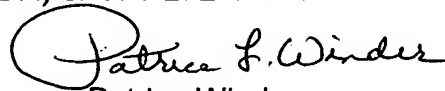
c. Parry, USPN 6,652,169 B2: taught a printer contains an error detecting device and an embedded Web server.

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrice Winder whose telephone number is 571-272-3935. The examiner can normally be reached on Monday-Friday, 10:30 am-7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in cursive script, reading "Patrice L. Winder". The signature is written in black ink and is positioned above the printed name and title.

Patrice Winder
Primary Examiner
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June 23, 2006